

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division

ALI ABDALLA HAMZA, et al.

Plaintiffs,

v.

KHALIFA HIFTER,

Defendant.

Case No: 1:20-cv-01038 (LMB/JFA)

**DEFENDANT'S MOTION TO DISMISS**

Defendant Khalifa Hifter (“Mr. Hifter”), by counsel, respectfully moves this court for dismissal of all claims brought against him pursuant to Rules 12(b)(1), Rule 12(b)(2), and 12(b)(6) of the Federal Rules of Civil Procedure. This case presents a nonjusticiable political question and Mr. Hifter, as head of state, has immunity from suit. Additionally, Plaintiffs fail to state claims under the Torture Victim Protection Act and the Alien Tort Statute. In support of this motion, Mr. Hifter submits the accompanying Memorandum. For the foregoing reasons, as well as those contained in the accompanying Memorandum, Mr. Hifter respectfully requests that the Court dismiss Plaintiffs’ Amended Complaint.

Dated: February 26, 2021

Respectfully submitted,

/s/ Jesse R. Binnall  
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**CERTIFICATE OF SERVICE**

I hereby certify that on this 26th day of February 2021, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel and parties of record.

/s/ Jesse R. Binnall

Jesse R. Binnall

*Counsel for the Defendant*